



**Testimony by Christine Cameron  
Director of Silent Observer, Kent County  
Michigan House Judicial Committee  
HB 6416  
September 20, 2006**

Mr. Chairman and members of the committee, my name is Chris Cameron, Director of the Silent Observer Program in Kent County. Thank you for the opportunity to comment on House Bill 6416 dealing which would allow police agencies to donate drug forfeiture monies to Crime Stoppers and Silent Observer Programs.

As independent 501 © 3 organizations, Crime Stoppers and Silent Observer must raise all the money needed to sustain and grow their programs. My program employs one part-time person but the success we have achieved by implementing many vitally important programs, is astonishing. We have a successful Fast 50 Program...a Silent Observer Program in the schools that allow students to use our tip line to report instances of drugs, weapons, vandalism, major theft and threats of school violence. Additionally Fast 50 tips have alerted school personnel to children contemplating suicide or with emotional problems. We have a web site where users can report information about crime, online, and anonymously. Further, to accommodate those who do not speak English, we have teamed up with a translation service so this population of the community can contribute to the struggle in making their world a safe place to live.

Most programs in the State have little or no staff. In order to pay rewards and make ends meet, many programs spend a lot of time fundraising. With so many non-profits competing for the same dollars we are all finding it very difficult to raise money. We spend most of our time trying to make ends meet, instead of tending to the business of assisting police in our fight against crime.

Most of the tips we receive are drug related. We received 1800 tips last year and 1100 of them were about drugs. Police find our information useful, either it points them in a direction to make an arrest or the information alerts them to new activity on the street.

Many police agencies in Kent County have told us that if they could contribute to our program using drug forfeiture monies, they would do so. That is why we are supporting HB6416 and why it is necessary for our continued success in stopping crime. In your packet are several letters saying just that by command officers. The legislation does not require police agencies to contribute, it only allows them to if they so choose.

Again, there are 22 states that have legislation allowing for funding of Crime Stoppers organizations. Some do this with fines, others mandate reimbursement of reward money from defendants if found guilty. We are only asking that if police departments wish to donate monies to Crime Stoppers/Silent Observer, then they are allowed to do so using drug forfeiture monies.

# **CRIME STOPPERS INTERNATIONAL**

---

**Post Office Box 614, Arlington, Texas 76004**

**(800) 850-7574 Fax (817) 446-1576**

**CrimeStoppersInt@aol.com**

September 18, 2006

Rep. William VanRegenmorter, Chair  
House Judicial Committee  
Michigan State Legislature  
Post Office Box 30014  
Lansing, Michigan 48909  
[Fax No. (517) 373-8697/E-mail [wmvanreg@house.mi.gov](mailto:wmvanreg@house.mi.gov)]

Re: *Crime Stoppers* Legislation

Dear Chairman VanRegenmorter:

It is my understanding that the House Judicial Committee will be considering a bill to amend 1978 PA 368, entitled "Public Health Code", by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8. The bill will provide potential funding for *Silent Observer* and *Crime Stoppers* organizations in Michigan from seizures and forfeitures.

Crime Stoppers has enjoyed great success since its inception in Albuquerque, New Mexico in September of 1976. The State of Michigan is to be commended for its legislative endeavor to make Crime Stoppers even more effective as we celebrate thirty (30) years of successful crime-solving this month.

Today there are over 1,000 Crime Stoppers organizations in operation in the United States, whether under the name of Crime Stoppers, Silent Observer, Crime Solvers, Crime Line, et al.

Crime Stoppers is aided by legislation in twenty-one (21) states. Such legislation aids in the following, among other, ways: creation of a state Crime Stoppers council or commission; creating a Crime Stoppers "privilege"; allowing for court-ordered payments to Crime Stoppers organizations from convicted criminals; a portion of court costs going to Crime Stoppers; allowing courts to order convicted criminals to repay rewards paid-out by Crime Stoppers to bring the defendant to justice; and to allow Crime Stoppers organizations or the law enforcement agencies working with Crime Stoppers to share in the proceeds of seized and forfeited property and funds.

The use of forfeitures to benefit Crime Stoppers is also found in legislation of the states of Louisiana (Title 32, Ch. 13, Section 1550 K 3); South Carolina (Section 44-53-583);

and Ohio (Section 2933.41), among others. Therefore, the State of Michigan would not be alone, but would be among the more enlightened states which have recognized that Crime Stoppers has solved thousands of otherwise unsolved crimes; saved millions of dollars in government rewards and costs of law enforcement investigation; brought peace of mind to countless victims of crime and/or the families of crime victims; and has made communities safer places in which to live, work, and visit.

Should you, the Committee, the House, the Senate, and/or the Governor need any additional information about the public policies which support such legislation as the bill now pending in the Michigan House of Representatives, please do not hesitate to call upon me. My cellular telephone number is (817) 343-5496.

Respectfully submitted,

Judge Richard W. Carter (Ret.)  
Executive Director  
Crime Stoppers International, Inc.

RWC/dlp

**Christine A. Cameron**

---

**From:** Larry Stelma [Larry.Stelma@kentcounty.org]  
**Sent:** Tuesday, September 19, 2006 10:48 AM  
**To:** wmvnreg@house.mi.gov  
**Cc:** Christine A. Cameron  
**Subject:** Pending Bills impacting Silent Observer type programs

Honorable Representative VanRegenmorter,

Late yesterday I was informed about the two bills having hearings tomorrow that have potential to impact Silent Observer type programs. As much as I wanted to be present, prior commitment have me in Ohio viewing a jail system. Both of these bills, the funding option and the confidentiality issue, have been issues we actually have to deal with locally and the bills will go a long ways to resolve current problems. I would encourage your support for both of these bills, as I know chief's and sheriff's across the state would also. If you have any questions, please feel free to call, either the house tonight or the cell anytime.

Dad says "hi" to you and yours and trusts all is well.

home 616-696-7729  
office 616-632-6102 (direct)  
cell 616-293-6484

9/19/2006

>>> Catherine Garcia-Lindstrom 9/18/2006 4:15:01 PM >>>

I would like to express my personal support of the pending legislation that would allow an agency to support Silent Observer as a recipient of forfeiture funds, if a police agency so chooses.

The work the Silent Observer have done for our community in so many areas (drug tips, crime tips, etc.) has been wonderful. If this legislation were allowed our agency would certainly try and support this effort financially.

If you have any question of me, please do not hesitate contacting me.

Catherine M. Garcia-Lindstrom  
Chief of Police  
City of Walker  
(616) 791-6800

## Christine A. Cameron

---

**From:** Robinson,Paul [RobinsonP@ci.wyoming.mi.us]  
**Sent:** Monday, September 18, 2006 1:12 PM  
**To:** wmvnreg@house.mi.gov  
**Cc:** Christine A. Cameron  
**Subject:** Silent Observer Program Grand Rapids Michigan

The Honorable Senator William Van Regenmorter,

Dear Senator, my name is Paul Robinson. I have worked for the City of Wyoming Michigan Police Department for 31years. I have been the Detective Bureau Commander since 1995. I also served as a detective prior to that working undercover in the drug unit for five years. In those time frames I have worked many cases that were initiated or solved by Silent Observer tips. I can personally attest to two murder cases in the City Of Wyoming in which the suspect was identified, leading to the arrest and conviction, thanks to Silent Observer tips.

I also know the ongoing struggle Silent Observer has with funding. In years past we had our City Attorney research the State Forfeiture Law in an effort to see if we could provide financial support for Silent Observer. Unfortunately, the current law does not permit any such use of those funds. I know of several law enforcement agencies that would contribute a portion of their forfeiture funding to assist Silent Observer if the Statute was amended to permit it. What better way to assist in the fight against crime than to have some of the criminals forfeited assets used in this battle?

I would also ask your consideration to support the efforts of Silent Observer to protect the identity of the person providing the tip. The program would quickly dissolve if there was a method discovered that forced the identity of a citizen to be exposed. Thank you for your consideration in this important matter. I would like to extend my thanks to you for your service to the citizens of Michigan. The State of Michigan is losing one of its finest elected officials, and supporter of crime victims, due to your retirement.

9/18/2006



September 1, 2005

Senator Alan Cropsey  
Michigan State Senate  
PO Box 30036  
Lansing, MI 48909-7536

Dear Senator Cropsey:

It has come to my attention that your staff has expressed interest in pursuing legislation allowing law enforcement agencies to contribute some of their drug forfeiture funds to local Silent Observer/Crime Stoppers organizations. As Police Chief of the Grand Rapids Police Department, I am strongly in favor of such legislation.

Our local Silent Observer Program has been instrumental in assisting my department, as well as every department in Kent County, in arresting people who sell drugs in our community. In some cases we have had substantial forfeitures because of the information provided by Silent Observer.

I understand revenue sharing funds continue to shrink during tough economic times. However, a change in the current drug forfeiture statute would provide police agencies, like GRPD, the necessary vehicle to financially help groups like Silent Observer/Crime Stoppers. Businesses and communities benefit from these types of tip programs and my goal is to make sure they can continue to offer their anonymous tip lines without the yearly struggle of raising funds to maintain and expand their efforts.

Thank you in advance for your careful consideration. A much needed change is critical for an optional use of drug forfeiture funds.

Sincerely,

Harry Dolan, Chief  
Grand Rapids Police Department





**KENT COUNTY SHERIFF DEPARTMENT**

**Lawrence A. Stelma - Sheriff**

701 Ball Avenue, N.E. • Grand Rapids • Michigan • 49503



August 29, 2005

Ms. Chris Cameron  
Executive Director  
Kent County Silent Observer Program  
P.O. Box 230321  
Grand Rapids, MI 49523

Dear Ms. Cameron:

The existence of anonymous tip lines, such as Silent Observer, has become an integral component in the criminal justice process. Successful apprehension of criminals is dependent more and more upon tips generated through such programs.

Studies continue to show a major connection between illegal use of drugs and crimes. And while funds seized and forfeited from illegal drug use are allowed to be used to combat drug related crime, several legal opinions opt that these same funds cannot be used to help anonymous tip programs even though many of the tips are directly related to illegal drug use. These opinions are counterproductive to the overall mission of making communities safer.

In a period of serious fiscal restraints, innovative sources of funding are necessary and it only makes sense to allow law enforcement the option to help fund important tip lines with seized forfeiture funds. I, personally, am very supportive of any legislative effort which would allow for this optional use of forfeiture funds.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence A. Stelma".

Lawrence A. Stelma  
Kent County Sheriff

kcm

cc: File

## LOUISIANA

### **Section 477.1. Privileged communications to “crime stoppers” organizations**

- A. As used in this Section, the following terms shall have the following meanings unless the context clearly requires otherwise:
1. “Crime Stoppers organization” means a private, nonprofit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency.
  2. “Privileged communication” means a statement by any person, in any manner whatsoever, to a crime stoppers organization for the purpose of reporting alleged criminal activity.
- B. No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication:
1. in connection with any criminal case or proceeding.
  2. by way of any discovery procedure.
- C. Any person arrested and charged with a criminal offense may petition the court for any in-camera inspection of the records of a privileged communication concerning such person made to a crime stoppers organization. The petition shall allege facts showing that such records would provide evidence favorable to the defendant and relevant to the issue of guilty or punishment. If the court determines that the person is entitled to all or any part of such records, it may order production and disclosure as it deems appropriate.

### COMMENTARY

House Bill No. 1055 came out of the 1985 Regular Session of the Louisiana Legislature, was enrolled as Act No. 790, and is now 15.477.1 of the Revised Statutes. The caption to the Bill reads: “...relative to privileged communication, to provide that a statement by any person to a crime stoppers organization for the purpose of reporting alleged criminal activity is privileged, to provide that no person shall be required to disclose such communication in a criminal proceeding or by way of discovery except upon court order in certain circumstances, and to provide for related matters.”

In at least two appellate court decisions, the statute was interpreted to be sufficiently broad to protect all Crime Stoppers records. (See State v. Gibson, 505 So.2d 237 (La. App. 3<sup>rd</sup> Cir. 1987); and, State v. Collier, 522 So.2d 584 (La. App. 1<sup>st</sup> Cir. 1988).)

**COLORADO REVISED STATUTES ANNOTATED**  
**TITLE 16, CRIMINAL PROCEEDINGS**  
**CRIMINAL ACTIVITY INFORMATION**  
**ARTICLE 15.7 CRIME STOPPERS ORGANIZATIONS**

**§16-15.7-104. In Camera review-confidentiality-records and information-criminal penalty**

- (1)(a) A crime stopper organization may not be compelled to produce records concerning a report of criminal activity before a court or other tribunal except on the motion of a criminal defendant to the court in which the offense is being tried that the records or report contain impeachment evidence or evidence that is exculpatory to the defendant in the trial of that offense.
  - (b) On motion of a defendant pursuant to paragraph (a), the court may subpoena the records or report. The court shall conduct an ex parte in camera inspection of materials produced under subpoena to determine whether the materials contain impeachment evidence or evidence that is exculpatory to the defendant.
  - (c) If the court determines that the materials produced contain certain impeachment evidence or evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant. In the event the materials contain information which would identify the person who was the source of the evidence, the court shall ensure that such identity is not disclosed, unless the state or federal constitution requires the disclosure of that person's identity. The court shall execute an affidavit accompanying the disclosed materials swearing that, in the opinion of the court, the materials disclosed represent the impeachment or exculpatory evidence the defendant is entitled to receive under this section.
  - (d) The court shall return to the crime stoppers organization all materials produced under this subsection (1) which are not disclosed to the defendant. The crime stoppers organization shall retain such materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.
- (2)(a) Records and information of a crime stoppers organization concerning criminal acts are confidential and no person shall disclose such records or information. A crime stopper organization shall only be compelled to produce such records or information before a court or other tribunal pursuant to court order for an in camera review. Any such review shall be limited to an inspection of records and information which are relevant to the specific case pending before the court.
  - (b) Any person who knowingly or intentionally discloses confidential records or information in violation of the provisions of this subsection (2) commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Any

criminal prosecution brought pursuant to the provisions of this subsection (2) shall be brought within five years after the date the violation occurred.

COMMENTARY

This statute is somewhat similar to the protective language contained in the Texas statutes pertaining to the Crime Stoppers program. A criminal defendant must clear the hurdle of an *in camera* examination of the records before any disclosure can be made.

**TEXAS****Texas Government Code****Chapter 414. Crime Stoppers Advisory Council****Section 414.001. Definitions.** In this chapter:

- (1) "Council" means the Crime Stoppers Advisory Council.
- (2) "Crime stoppers organization" means:
  - (A) a private, nonprofit organization that is operated on a local or statewide level, that accepts and expends donations for rewards to persons who report to the organization information about criminal activity and that forwards the information to the appropriate law enforcement agency; or
  - (B) A public organization that is operated on a local or statewide level, that pays rewards to persons who report to the organization information about criminal activity and that forwards the information to the appropriate law enforcement agency.

**Section 414.002. Organization of Council.**

- (a) The Crime Stoppers Advisory Council is within the criminal justice division of the Governor's office.
- (b) The council consists of five members appointed by the governor with the advice and consent of the senate. At least three members must be persons who have participated in a local crime stoppers organization in any of the following capacities:
  - (1) as a law enforcement coordinator;
  - (2) as a member of the board of directors;
  - (3) as a media representative; or
  - (4) as an administrative officer.
- (c) The term of office of a member is four years.
- (d) At its first meeting after the beginning of each fiscal year the council shall elect from among its members a chairman and other officers that the council considers necessary.

**Section 414.003. Per Diem and Expenses.** A member of the Council is entitled to:

- (1) a per diem as determined by appropriation; and

- (2) reimbursement for actual and necessary expenses incurred in performing duties as a member.

**Section 414.004. Director.** The council and the executive director of the criminal justice division shall designate a person to serve as director. The director must be approved by the governor. The council shall define the director's authority and responsibilities.

**Section 414.005. Duties.** The council shall:

- (1) encourage, advise, and assist in the creation of local crime stoppers organizations;
- (2) foster the detection of crime and encourage persons to report information about criminal acts;
- (3) encourage news and other media to broadcast reenactments and to inform the public of the functions of crime stoppers organizations' operations and programs;
- (4) promote the process of crime stoppers organizations to forward information about criminal acts to the appropriate law enforcement agencies; and
- (5) help law enforcement agencies detect and combat crime by increasing the flow of information to and between law enforcement agencies.

**Section 414.006. Rules.** The council may adopt rules to carry out its functions under this chapter. The rules adopted by the council shall not conflict with the rules relating to grants adopted by the criminal justice division of the governor's office.

**Section 414.007. Confidentiality of Council Records.** Council records relating to reports of criminal acts are confidential.

**Section 414.008. Privileged Information.**

- (a) Evidence of a communication between a person submitting a report of a criminal act to the council or a crime stoppers organization and the person who accepted the report on behalf of the council or organization is not admissible in a court or an administrative proceeding.
- (b) Records of the council or a crime stoppers organization concerning a report of criminal activity may not be compelled to be produced before a court or other tribunal except on the motion of a criminal defendant to the court in which the offense is being tried that the records or report contains evidence that is exculpatory to the defendant in the trial of that offense.

- (c) On motion of a defendant under Subsection (b), the court may subpoena the records or report. The court shall conduct an in camera inspection of materials produced under subpoena to determine whether the materials contain evidence that is exculpatory to the defendant.
- (d) If the court determines that the materials produced contain evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant in a form that does not disclose the identity of the person who was the source of the evidence, unless the state or federal constitution requires the disclosure of that person's identity. The court shall execute an affidavit accompanying the disclosed materials swearing that, in the opinion of the court, the materials disclosed represent the exculpatory evidence the defendant is entitled to receive under this section.
- (e) The court shall return to the council or crime stoppers organization the materials that are produced under this section but not disclosed to the defendant. The council or crime stoppers organization shall store the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.

**Section 414.009. Misuse of Information.**

- (a) A person who is a member or employee of the council or who accepts a report of criminal activity on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly divulges to a person not employed by a law enforcement agency the content of a report of a criminal act or the identity of the person who made the report without the consent of the person who made the report.
- (b) An offense under this section is a Class A misdemeanor, except that an offense under this section is a third degree felony if the offense is committed with intent to obtain monetary gain or other benefit.
- (c) A person convicted of an offense under this section is not eligible for state employment during the five-year period following the date that the conviction becomes final.

**Section 414.010. Payments From Defendants on Community Supervision; Reward Repayments.**

- (a) Except as provided by Subsection (d), a crime stoppers organization certified by the council to receive money in the form of payments from defendants placed on community supervision under Article 42.12, Code of Criminal Procedure, or money in the form of repayments of rewards under Articles 37.073 and 42.152, Code of Criminal Procedure, may use not more than 10 percent of the money annually received to pay costs incurred in administering the organization and shall use the remainder of the money, including any interest earned on the money, only to reward persons who report information concerning criminal activity. Not later than January 31 of each year, a crime stoppers organization that receives or expends money under this section shall file a detailed report with the council.



- (b) A crime stoppers organization shall establish a separate reward account for money received under this section.
- (c) Not later than the 60<sup>th</sup> day after the date of dissolution or decertification of a crime stoppers organization, a dissolved or decertified organization shall forward all unexpended money received under this section to the comptroller. The comptroller shall deposit the money in the crime stoppers assistance account in the general revenue fund.
- (d) If the amount of funds received by a crime stoppers organization under this section exceeds three times the amount of funds that the organization uses to pay rewards during a fiscal year based on the average amount of funds used to pay rewards during each of the preceding three fiscal years, the organization may deposit the excess amount of funds in a separate interest-bearing account to be used by the organization for law enforcement purposes relating to crime stoppers or juvenile justice, including intervention, apprehension, and adjudication. An organization that deposits excess funds in an account as provided by this subsection may use any interest earned on the funds to pay costs incurred in administering the organization.

**Section 414.011. Certification of Organizations to Receive Payments and Reward Repayments.**

- (a) The council shall, on application by a crime stoppers organization, determine whether the organization is qualified to receive repayments of rewards under Article 37.073 and 42.152, Code of Criminal Procedure, or payments from a defendant under Article 42.12, Code of Criminal Procedure. The council shall certify a crime stoppers organization to receive those repayments or payments if, considering the organization, continuity, leadership, community support, and general conduct of the crime stoppers organization, the council determines that the repayments or payments will be spent to further the crime prevention purposes of the organization.
- (b) Each crime stoppers organization certified by the council to receive repayments under Articles 37.073 and 42.152, Code of Criminal Procedure, or payments from a defendant under Article 42.12, Code of Criminal Procedure, is subject to a review or audit, including financial and programmatic reviews or audits, or finances or programs, at the direction of the criminal justice division of the governor's office or its designee. A copy of the review or audit report shall be submitted to the criminal justice division.
- (c) The criminal justice division of the governor's office or its designee shall draft rules for adoption by the council relating to a review or audit requested pursuant to subsection (b) section 414.001, Government Code.
- (d) A certification issued by the council is valid for a period of two years. During this two-year period, the council shall decertify a crime stoppers organization if it determines that the organization no longer meets the certification requirements.
- (e) The council shall approve a crime stoppers organization for the purposes of Subsection (a) of this section even if a judge has not requested a determination for

that organization and shall maintain a current list of organizations approved for that purpose.

#### **Section 414.012. Toll-Free Telephone Service.**

The council shall establish and operate a toll-free telephone service and make the service accessible to persons residing in areas of the state not served by a crime stoppers organization for reporting to the council information about criminal acts. The toll-free service must be available between the hours of 5 p.m. and 8 a.m. Monday through Thursday and from 5 p.m. Friday until 8 a.m. Monday. The council shall forward the information received to appropriate law enforcement agencies or crime stoppers organization.

#### COMMENTARY

The main body of Crime Stoppers legislation in Texas is found in Chapter 414 of the Texas Government Code. This is a codification of former Article 4413(50), Vernon's Annotated Texas Civil Statutes. The original statute went into effect on September 1, 1981, and it was codified on September 1, 1987.

The original Texas statute was copied, in large part, from the New Mexico statute of 1978. However, the Texas statute went much further than the New Mexico statute by protecting local Crime Stoppers records, rather than just those of the state council. The Texas statute also created a specific procedure which must be followed in order to obtain Crime Stoppers communication records.

Later amendments (Section 414.010 and 414.011 in 1989) expanded the law by allowing payments from probationers to "certified" local Crime Stoppers programs.

The provisions relating to probationers making contributions to Crime Stoppers were considered necessary after Attorney General Opinion No. JM-853 (February 8, 1988) declared that Texas judges could not order probationers to contribute money to Crime Stoppers, and that such contribution could not be considered *community service*.

Certification of local Crime Stoppers programs, prior to receiving court-generated funds, was deemed necessary to prevent fraud by any individual or group wishing to simply declare themselves a "Crime Stoppers" program and be entitled to receive funds. Additionally safeguards were needed to see that money was not used by the local programs for political and other inappropriate activities.

There have been no known criminal charges ever filed against anyone for violating the "Misuse of Information" provision of Section 414.009. However, there have been a few cases where charges were filed against peace officers under other statutes for attempting to collect rewards they were not eligible to receive.

Under the statute, prior to the *in camera* procedures, all applications for disclosure had to be made to the Supreme Court of Texas. There were believed to have been four (4) applications to the Supreme Court of Texas for the disclosure of Crime Stoppers records of communications. With the exception of the first application (which revealed nothing in

an “in camera” examination), applicants have been unsuccessful in convincing the Texas Supreme Court to order disclosure. See: In re Joe Cecil Smith, No. C-1699 (December 15, 1982); Meitzen v. Fort Bend County Crime Stoppers, Inc., No. C-4580 (December 4, 1985); Thomas v. Kinkeade, No. C-6189 (February 23, 1987); and, Ex Parte: George Hendon, No. C-6624 (August 24, 1987).

House Bill No. 2397 was enacted in 1999 to expand the terms of council members from two (2) years to four (4) years, so as to create staggered terms of office and promote a degree of continuity and experience. Section 2 of the Bill stated: “At their first meeting after this Act takes effect, the members of the Crime Stoppers Advisory Council shall draw for three terms expiring September 1, 2000, and two terms expiring September 1, 2001.”

## IOWA

## HOUSE FILE 210

## AN ACT

**AUTHORIZING A COURT TO REQUIRE A CRIMINAL OFFENDER  
AS PART OF A RESTITUTION ORDER TO MAKE FINANCIAL  
CONTRIBUTIONS TO A LOCAL ANTICRIME ORGANIZATION****BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

Section 1. Section 910.1, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.**

- 1A. “Local anticrime organization” means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located.

Section 2. Section 910.1, subsection 3, Code 1995, is amended to read as follows:

3. “Restitution” means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender’s plan of restitution. Restitution also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender’s case, the payment of crime victim compensation program reimbursements, court costs, court-appointed attorney’s fees, or the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs, court-appointed attorney’s fees, or the expense of a public defender.

Section 3. Section 910.2, Code Supplement 1995, is amended to read as follows:

**910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY  
SENTENCING COURT.**

In all criminal cases except simple misdemeanors under chapter 321, in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender’s criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney’s fees, or the expense of a public defender when applicable, or contribution to a local anticrime organization.

However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program, reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, and court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

PARAGRAPH DIVIDED. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, or contribution to a local anticrime organization, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or expense of a public defender, or contribution to a local anticrime organization for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. The judicial district department of correctional service shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

#### COMMENTARY

Although not specifically naming "Crime Stoppers", a "local anticrime organization" can apply to a "Crime Stoppers" organization, and, under this statute, result in contributions and restitution being made to such an organization.

## LOUISIANA

### Louisiana Code of Criminal Procedure

#### Title XXX, Chapter 2, Article 895.1 B(6)

##### Article 895.1

B. When a court suspends the imposition or the execution of a sentence and places the defendant on probation, it may in its discretion, order placed, as a condition of probation, an amount of money to be paid by the defendant to any or all of the following:

- (6) To a duly incorporated CRIME STOPPERS organization for the reasonable costs incurred in obtaining information which leads to the arrest of the defendant.

##### COMMENTARY

The 1986 amendment to Louisiana statutes provides authority for the court to order a probationer to reimburse a Crime Stoppers corporation for any reasonable costs incurred in obtaining leads to arrest the defendant. One would assume that this would certainly include the amount of the reward paid to the tipster (if the reward is reasonable). It might also be a reasonable expense if the Crime Stoppers Corporation (board) spent money on printing reward posters, paying an employee to answer the hot line, etc.

This is one of the first statutes to expressly authorize such reimbursement by criminal defendants placed on probation.

## LOUISIANA

### Louisiana Revised Statutes

#### Title 32, Chapter 13, Section 1550, K(3)

##### Section 1550.

K. The proceeds of all funds collected from any sale of contraband seized by a parish or municipal law enforcement agency, except as provided in Subsection E(2) above, shall be allocated and paid as follows:

- (3) If the seizure results from information provided by a crime stoppers organization, that organization may be reimbursed the amount of the reward paid to the person providing the information.

#### COMMENTARY

In 1987, Louisiana statutes were amended to provide yet another method for reimbursing a Crime Stoppers organization (board/corporation) for the amount of the reward paid to a person who gives information leading to the seizure of contraband. The reimbursement money is to be taken from funds collected from the seizure and forfeiture sale. Technically, the funds would result only from a "sale of contraband seized". The statute is unclear as to whether Crime Stoppers could be reimbursed from cash money seized and forfeited. Perhaps a liberal interpretation, and the use of legislative intent, would allow cash seizures to be used to reimburse Crime Stoppers.

## **SOUTH CAROLINA**

### **Code of Laws of South Carolina**

#### **Section 44-53-583**

**Section 44-53-583.** Monies paid by any Crimestoppers, Inc., for information that results in the arrest of any individual or individuals where monies are also confiscated and subsequently forfeited pursuant to Section 44-53-530 must be reimbursed from the forfeited monies to the Crimestoppers making the payment. The reimbursement must be for the amount of money paid, not to exceed one thousand dollars, upon a determination by the court that the money paid by Crimestoppers, Inc., was used for information that resulted in that arrest and forfeiture of money.

#### COMMENTARY

This South Carolina statute, enacted in 1989, is similar to the State of Louisiana's Section 1550. It provides for the reimbursement of rewards, from narcotics case forfeiture funds, where the tip to Crime Stoppers led to the arrest and seizure of the confiscated monies. The reimbursement is to be made to the private Crime Stoppers corporation, and the maximum reimbursement that can be made is \$1,000.00 per reward. The \$1,000.00 limit is in keeping with Crime Stoppers guidelines on maximum reward size. Several other states, such as Indiana, also make reference to the \$1,000.00 recommended reward limit.

Note: The Attorney General of the State of South Carolina issued an Opinion, which is not a statute, but carries some weight in court. Attorney General Opinion No. 86-81 ruled that while a municipal court judge would not be authorized to impose a sentence of a term of probation, a municipal court judge could suspend a sentence upon the payment of a contribution or reimbursement to Crime Stoppers.